

DRC
Staff Report

Hearing Date: October 22, 2008



Case:	11662 / Related Case: 9153
Project Name:	Waterhurst Plaza
Location:	5911 S. Watterson Trail
Owner(s):	Sylvia Hunt
Applicant:	Neal Campbell
Representative:	Bardenwerper/Talbott/Roberts, PLLC
Project Size/Area:	6.3 acres
Jurisdiction:	Louisville Metro
Council District:	22 – Robin Engel
Zoning District:	C-N
Form District:	Neighborhood
Request:	Revised Detailed District Development Plan
Case Manager:	Mike Wilcher, Planner II

Request

- Approval of a Revised Detailed District Development Plan to permit construction of a 36,550 square foot retail center on the subject site.

Staff Recommendation

- Staff recommends approval of the Revised Detailed District Development Plan based upon the required site plan revisions and associated binding elements per Metro Council.

Case Summary / Background

Summary

- The applicant is requesting approval of a Revised Detailed District Development Plan for the subject site, which addresses required revisions to the Detailed District Development Plan that was conditionally approved by Metro Council on June 26, 2008.
- The Revised Development Plan consists of (4) one-story buildings, including a proposed 4,150 square foot bank, a 4,800 square foot restaurant, and (2) retail structures consisting of 8,000 and 19,600 square feet respectively.
- The Detailed Development Plan consisted of (3) one-story structures with two large structures and one smaller structure. One larger structure was divided into two smaller structures, thereby creating (3) smaller structures and the remaining large structure on the Revised Development Plan.

Background

- The applicant submitted a zoning pre-application on October 26, 2006, proposing to rezone the R-4 Single-Family Residentially zoned property to C-1 commercial to allow construction of a 37,980 square foot retail center on the site. The plan was to consist of (3) one-story buildings, including a 4,000 square foot bank or restaurant and (2) retail structures with 14,700 and 19,280 square feet in area.
- Furthermore, a variance was requested to permit a proposed retail structure to exceed the maximum building setback of 150 feet. The plan was presented to LD&T on December 13, 2007, and was rescheduled for the January 10, 2008; LD&T meeting to provide an opportunity for site plan reconfiguration and building design enhancements.
- The applicant proposed architectural enhancements to the proposed structures during a meeting with Urban Design Staff; however, the configuration of the site plan was unchanged.
- The Planning Commission Public Hearing date was scheduled on February 21, 2008; however, the hearing was cancelled due to bad weather and subsequently rescheduled for April 3, 2008.
- The Planning Commission approved the proposal on April 3, 2008; however, Louisville Metro Council pending requested site revisions overturned the approval.
- The proposal was revised and the site was rezoned to C-N Commercial Neighborhood, as opposed to C-1 Commercial. Additionally, the requested variance was approved to permit structures on the site to exceed the maximum building setback subject to revised and additional binding elements listed in this report.

Site Context

The undeveloped site is located within a neighborhood form district, which is distinguished by low to high-density residential uses and neighborhood activity centers with a mix of retail, restaurant, office, and other service uses that are compatible with nearby land uses. The site is composed of the southeastern corner of the intersection, which is adjacent to R-4 zoned properties on the south, west, and north. The eastern boundary is adjacent to an R-6 zoning district.

Note: The following information represents staff analysis of the subject property with respect to site inspection/observation, sound planning practices, and adopted policies and regulations of the jurisdiction. Materials submitted by the applicant or their representative prior to the deadline for filing information related to cases docketed for this hearing were reviewed and specifically applied in the staff review of this request. The board is advised to consider this staff report as well as new information introduced at the hearing in formulating their decision.

Land Use / Zoning District / Form District

	Land Use	Zoning	Form District
Subject			
Existing	Vacant	R-4	Neighborhood
Proposed	Retail Center	C-1	Neighborhood
Surrounding			
North	Vacant	R-4	Neighborhood
South	Single-Family Residential	R-4	Neighborhood
East	Multi-Family Residential	R-6	Neighborhood
West	Single-Family Residential	R-4	Neighborhood

Project History	Date	Issues addressed / discussion / changes to proposal
Pre-App review	12/21/06	
Project submittal	6/18/07	
Revision submittal	11/9/07	
LD&T review	12/13/07	
LD&T review	1/10/08	
PC review	2/21/08	Cancelled due to weather
PC review	4/3/08	
Metro Council	6/26/08	
Revision submittal	10/9/08	
DRC review	10/22/08	

Staff Analysis

- Compatibility with adjacent residential land uses was a major issue associated with the requested rezoning from R-4 Single-Family Residential to C-1 Commercial, with a variance to permit structures on the site to exceed the maximum permitted building setback.
- The change in zoning to C-N Commercial Neighborhood, as opposed to the requested C-1 Commercial zoning, the detailed development plan with the proposed binding elements, and the requested variance was conditionally approved by Metro Council on June 26, 2008, pending required revisions to the plan to ensure compatibility with the scale and site design of nearby residential development.

Staff Findings

- Required revisions to the Detailed District Development Plan per Metro Council will enhance the development site with an improved structural design and site layout.
- Plan improvements will enhance surrounding residential areas by providing an appropriate mixture of neighborhood services in an attractive and adequately landscaped environment.
- Site revisions ensure that an abundance of public open spaces will be provided for both patrons and residents alike.
- Additional binding elements (#10 – 17) provide for enhanced protection for adjacent residential areas.

Technical Review

The following revisions were made to the Detailed Development Plan in accordance with **Ordinance 107 / Case: 9153** as adopted by Metro Council:

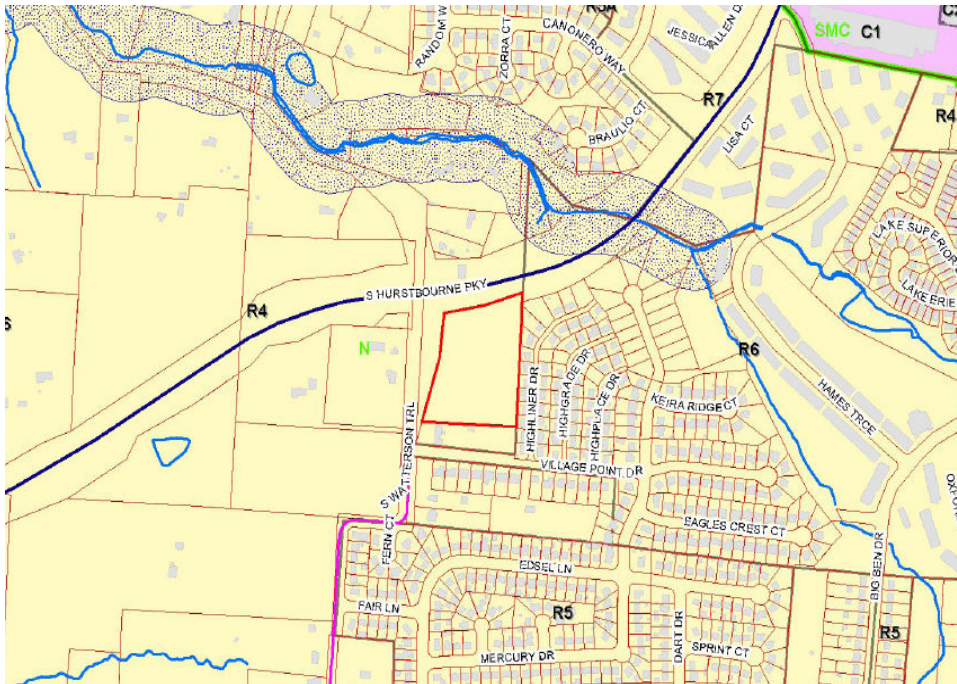
- Entrance on S. Hurstbourne Parkway changed to right in / right out only
- Elimination of parking lot adjacent to Hurstbourne Parkway in the northeast corner of the site
- Elimination of a drive-thru lane from the 14,700 square foot retail structure
- Division of the 14,700 square foot retail structure into two structures
- Addition of a focal point with a fountain in front of the plaza dining area
- Conversion of the rear plaza dining area to a landscaped pavilion with direct accessibility to the adjacent neighborhood
- Elimination of a sidewalk across a parking lot to be replaced with landscaping and a tree lined sidewalk connecting the structures
- Addition of a central landscaped plaza with benches in the parking area
- Addition of a sidewalk along S. Watterson Trail to Village Point Drive
- A stub for future crossover access to property south of the subject site

Notification

The following forms of notification were provided pertaining to this proposal:

Date	Description	Recipients
10/9/2008	Neighborhood Notification	Registered Parties
10/9/2008	APO Notice	Adjoining Property Owners

Attached Documents / Information
LOJIC Site Maps



Proposed Binding Elements – Case: 11662 & Related Case: 9153

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. No further development shall occur without prior approval from the Planning Commission except for land uses permitted in the established zoning district.
2. The development shall not exceed **36,550** square feet on 6.3 acres.
3. The only permitted freestanding signs shall be located as shown on the development plan. The Hurstbourne Parkway sign shall not exceed (**60** square feet in area per side and **6** feet in height) and the Watterson Trail sign shall not exceed (**100** square feet in area per side and **12** feet in height) per LDC Chapter 8. No sign shall have more than two sides.
4. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants, or banners shall be permitted on the site.
5. There shall be no outdoor storage on the site.
6. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90-degree cutoff so that no light source is visible off-site.
7. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 of the LDC prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. An access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be secured from the adjoining property owner and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Development Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.

8. A certificate of occupancy must be received from the appropriate code enforcement office prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
9. The property owner/developer shall provide copies of these binding elements to tenants, contractors and other parties engaged in development of this project, and shall inform them of the content of these binding elements. Further, the property owner/developer shall require contractors to similarly notify all of their sub-contractors whose duties relate to the binding elements. The property owner/developer shall ensure their compliance with the binding elements.
10. Revised building renderings shall be submitted for approval by the Metro Council on the recommendation of the Planning Commission or its designee within 180 days of the Metro Council's approval. Buildings shall be designed with residential characteristics, such as, (but not limited to) residential-style roof treatments, windows with lights, residential-style lighting, and masonry facades.
11. Business shall close by 11:00 PM. Drive-thru lanes on the end caps of the westernmost retail buildings shall shut down by 9:00 PM.
12. Landscaping shall minimally conform to the concept landscape plan presented at the April 3, 2008 public hearing.
13. Along the property east and south lines, perimeter trees shall be planted on 20-foot centers on both sides of an 8-foot high vinyl maintenance free fence. Those trees shall be a combination of evergreen, shade, and ornamental.
14. A revised development plan shall be submitted for approval by the Metro Council on recommendation of the Planning Commission or its designee, within 180 days of the Metro Council's approval. The revised development plan shall reflect the following changes to the site design:
 - Provide an undulating hedge row along the South Hurstbourne Parkway frontage to comply with the parkway buffer standards, as well as the recommendations of the Hurstbourne Corridor Study. Work with the staff landscape architect to ensure plantings that are appropriate to screen parking and vehicular use areas from view from the road, and that will be compatible with the existing overhead power lines.
 - Eliminate drive-through facilities except those associated with the proposed bank and the westernmost building located closest to South Watterson Trail.

- Eliminate the parking lot immediately adjacent to the east property line and South Hurstbourne Parkway.
 - Redesign the access to South Hurstbourne Parkway as a right-in, right-out access point.
 - Use a variety of design techniques, including breaking the easternmost large building into smaller buildings, and using architectural treatments, which could include articulation, clad all sides of all buildings in masonry, and orient buildings around a central focal point that includes pedestrian amenities such as seating.
 - Construction of a sidewalk from the development along the South Watterson Trail right-of-way to Village Point Drive.
 - Identify the location of a future cross-access point to the south to be constructed and connected in the event the adjacent property develops. A note in a form acceptable to Metro Public Works providing for this future construction and access shall be placed on the development plan.
15. No permit of any kind shall be issued until such time as a revised plan has been approved pursuant to this binding element.
16. No loading docks or idling trucks shall be permitted on the development site.
17. Developer shall construct road improvements and sidewalks on Hurstbourne Pkwy. And S. Watterson Trail as indicated on the approved development plan and per Metro Public Works and KYTC standards. Developer shall be responsible for utility relocations (if required), final surface overlay, signage, signal modification, (if required) and striping associated with required road improvements. Construction plans, bond, and KTC permit are required by Metro Public Works prior to construction approval and issuance of MPW encroachment permit. Developer shall not request a certificate of occupancy until road improvements are complete.

All binding elements and/or conditions of approval stated in this report are accepted in total without exception by the entity requesting approval of this (these) development item(s).

Name

Title

Date